



**SAN MARCOS PLANNING & ZONING COMMISSION
ACTION AGENDA
February 12, 2013 REGULAR MEETING**

Agenda #		Action or Direction
1	Call to Order	Chair Taylor called the meeting to order at 6:00 p.m.
2	Roll Call	
	NOTE: The Planning and Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.	There was no Executive Session
3	30-Minute Citizen Comment Period	1. Brenda Smith 2. Berry James 3. Mike Dillon 4. Jaimy Breihan 5. Clinton Giles 6. David Sergi 7. Cathy Dillon 8. Melissa Derrick 9. Diane Wassenich 10. Seth Katz
4	<u>Consent Agenda</u> Consider the approval of the minutes from the Regular Meeting on January 22, 2013.	Approved on Consent 9-0
5	<u>Public Hearing</u> CUP-13-01 (Cool Mint Café) Hold a public hearing and consider a request by Cool Mint, Inc., for renewal of a Conditional Use Permit to allow the sale of beer and wine for on- premise consumption at 415 Burleson Street	Public Hearing: No One Spoke Approved with a vote 9-0 with the following conditions: 1. The permit shall be valid for the lifetime of the State TABC license, provided standards are met subject to the point system.
6	CUP-13-02 (CVS Warrant) Hold a public hearing and consider a request by John N. Meeks, on behalf of Aurelius Ltd., for a SmartCode Warrant to allow a	Public Hearing: No One Spoke

	reduction in height below the 2-story limit for a proposed 1-story CVS store in a SmartCode T-5 zoning district at 301 North Edward Gary Street.	Approved 9-0 as submitted.
7	PC-12-30(04) (Blanco River Village Replat) Hold a public hearing and consider a request by Scott Bauer, on behalf of Bigelow San Marcos, LLC, for approval of a replat of 5.008 acres, more or less, being Lots 1 and 11, Block J, and a portion of the rights of way of Morning Shadow and Rush Haven, of Blanco River Village, Section One, and Lot 1, Block H, and all of Block I, of the Amending Plat of Blocks, E, F, H, and I, Blanco River Village, Section One, establishing Blanco River Village for Greenway Subdivision, City of San Marcos, Hays County, Texas.	Public Hearing: No One Spoke Approved 9-0 as submitted.
8	PDD-11-11(a) (Hillside Ranch II PDD Amendment) Hold a public hearing and consider an amendment, by the City of San Marcos, to section 6.01 of the development standards of the Hillside Ranch Phase II Planned Development District (PDD) overlay to clarify the limits of the 150 foot buffer with regard to the rowhouses located on N. LBJ Drive for 10.925 acres, more or less, out of the TJ Chambers Survey, Tract 179, located at 1410 North LBJ Drive.	Public Hearing: 1. Gary Ford 2. Nancy Moore 3. Ms. Gotcher 4. Jim Garber 5. Jay Hiebert 6. Mr. Childre 7. David Wendell 8. Penny Alba 9. Vince DeBrock 10. Bill Guajardo 11. Cynthia Gonzales 11 Spoke in opposition Denied 9 – 0 Motion was made by Bucky Couch to deny and seconded by Carter Morris. Discussion included not wanting to amend an existing agreement.
9	LDC-13-01 (Economic Development Incentive Waiver) Hold a public hearing and consider an amendment to Chapter 1 of the Land Development Code to expand the provision for economic development incentive waivers to include a waiver of zoning regulations.	Public Hearing 1. Tom Wassenich (opposition) 2. Diana Coffee (opposition) Approved 6 – 3 with Couch, Seebeck, and Kelsey in opposition The Commission recommended adding the following amendments to the ordinance as proposed by staff. 1) Require a super majority vote of council when zoning regulations are being waived 2) Include a 12 month expiration date for waivers of zoning regulations 3) Include the 3 criteria from the ED policies to the ordinance.

10	<u>Non-Consent Agenda</u> PVC-13-01 (Sienna Pointe Plat Variance) Consider a plat variance request by Jim Shaw for the Sienna Pointe Plat (PC-12-37_03) to Sections 7.4.1.4 a(1) and 7.4.1.4 a(3) of the Land Development Code requiring streets not shown on the City's Thoroughfare Plan provide for a continuation or appropriate projection every 1200 feet and provide for future access to adjacent vacant areas.	<p>Motion to deny variance request based on variance criteria (4) and (5).</p> <p>Approved 5-4 with Commissioners Morris, Couch, Ehlers and Wood in opposition.</p>
11	PC-12-37(03) (Sienna Pointe) Consider a request by Jim Shaw on behalf of James Pendergast, Donna Marie Neuhaus, and Toribio Torres for approval of a final plat, and associated subdivision improvement agreement, of approximately 22.001 acres out of the J.M. Veramendi Survey League No. One, Abstract 17, establishing Sienna Pointe, located near the intersection of Hunter Road and McCarty Lane	<p>Motion to statutorily deny the plat.</p> <p>Approved 9-0.</p> <p>The Commission recommended the applicant work with staff to determine right-of-way alignment and place on next Planning and Zoning Commission meeting.</p>
12	CUP-12-42A (Zelicks Appeal) Consider a statement of intent for City Council to clarify conditions (4) and (6) of the Conditional Use Permit CUP-12-42 issued to Zelicks Inc. on December 11, 2012.	<p>Motion to approve the motion that was approved previously as stated.</p> <p>Approved 7-2 with Commissioners Bryan and Taylor in opposition.</p>
13	<u>Development Services Report</u> <ol style="list-style-type: none"> Update on Downtown Implementation Plan Update on the Comprehensive Plan 	<p>Matthew Lewis gave update on the Downtown Implementation and the Comprehensive Master Plan.</p>
14	Question and Answer Session with the Press and Public.	There were no questions.
15	Adjournment	Adjourned at 9:50 p.m.